

Case 1:17-cv-01065-MSG-RL Document 245 Filed 10/26/18 Page 1 of 4 PageID #: 5787

ABBVIE INC. and ABBVIE  
BIOTECHNOLOGY LTD,

Plaintiffs,

V.

BOEHRINGER INGELHEIM  
INTERNATIONAL GMBH, BOEHRINGER  
INGELHEIM PHARMACEUTICALS INC.,  
and BOEHRINGER INGELHEIM FREMONT,  
INC.,

Defendants.

C.A. No. 17-1065-MSG-RL

## **JOINT CLAIM CONSTRUCTION STATEMENT**

AbbVie Inc. and AbbVie Biotechnology Ltd (collectively “AbbVie”) and Boehringer Ingelheim International GmbH, Boehringer Ingelheim Pharmaceuticals, Inc., and Boehringer Ingelheim Fremont, Inc. (collectively “Boehringer”) submit this Joint Claim Construction Statement pursuant to the Court’s Scheduling Order (D.I. 29) for the following claim terms: “fed-batch method” and “large scale” with respect to U.S. Patent No. 9,090,867 (“the ’867 patent”), “Protein A” with respect to U.S. Patent No. 9,018,361 (“the ’361 patent”) and the ’867 patent, and “stable” with respect to U.S. Patent No. 9,272,041 (“the ’041 patent”).

The construction of the terms or phrases on which the parties agree is attached hereto as Appendix A.

The parties' proposed construction of each disputed term or phrase, together with an identification of supporting evidence is attached hereto in the Joint Disputed Claim Terms Chart (Appendix B).

Copies of each exhibit of intrinsic evidence cited for Disputed Terms is attached as Appendix C.

The parties note that discovery is ongoing and base this disclosure on information presently available to the parties. The parties reserve the right to seek leave, upon showing of good cause, to supplement and/or amend their identification of evidence as these claim construction proceedings and discovery progress and/or new information subsequently becomes available that frames these issues.

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Respectfully submitted,

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